

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 07 C 7147
)	
V.)	
)	Judge Robert W. Gettleman
FUNDS IN THE AMOUNT OF)	
FORTY-TWO THOUSAND DOLLARS)	
(\$42,000.00); and)	
)	
FUNDS IN THE AMOUNT OF)	
ONE HUNDRED THIRTY-EIGHT)	
THOUSAND, FIVE HUNDRED AND)	
FORTY DOLLARS)	
(\$138,540.00))	
)	
Defendants.)	

**MOTION OF THE UNITED STATES OF AMERICA
FOR ENTRY OF A DEFAULT DECREE OF FORFEITURE**

The United States of America, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, moves this court for the entry of a default decree of forfeiture. In support of this motion, the United States of America states as follows:

1. On December 20, 2007, the United States filed a verified complaint seeking forfeiture of funds in the amounts of forty-two thousand dollars(\$42,000) and one hundred thirty-eight thousand, five hundred and forty dollars(\$138,540), pursuant to 21 U.S.C. § 881(a)(6).
2. On the same date, the court issued warrants of seizure and monition to be executed by the United States Marshal Service against the defendant funds.
3. On December 27, 2007, the United States Marshal executed the warrants of arrest in rem and personally served the defendant funds.

4. The United States gave notice of this action to all known potential claimants and record owners by certified mail including: Karine Basmadjian, attorney for claimant Levon Vardapetyan, along with Grayr Demirthyan, Artur Vardapetyan and Sirarpi Davitian at their last known addresses. (Copies of the certificates of service are attached as Government Group Exhibit “A.”)

5. Pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty and Maritime Claims for Forfeiture Actions, the United States Marshals Service published notice once beginning and ending on December 24, 2007, in the *Chicago Tribune*, directing that any claim be filed within 30 days of notice or the last date of publication and any answer be filed within 20 days of the filing of the claim. (A copy of the certificate of publication filed with the Clerk of the Court is attached as Government Exhibit “B.”)

6. On January 28, 2008, Levon Vardapetyan filed a claim declaring ownership of the defendant funds.

7. To date, claimant did not file an answer for the defendant funds and the time for filing such an answer or other responsive pleading has since expired under applicable law.

8. Based on the verified complaint for forfeiture and the attached affidavit of Task Force Officer Geoffery Gibbs of the United States Drug Enforcement Administration, the United States has established that the defendant funds in the amounts of \$42,000 and \$138,540, were furnished or intended to be furnished in exchange for a controlled substance, were the proceeds from the sale of a controlled substance, and were monies used and intended to be used to facilitate narcotics trafficking, in a violation of the Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, and are therefore forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America requests that this court enter a default decree of forfeiture in favor of the United States of America and against the defendant funds. A draft order is submitted herewith.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By:

MADELEINE S. MURPHY
Assistant United States Attorney
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
(312) 886-2070

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

FUNDS IN THE AMOUNT OF)

FORTY-TWO THOUSAND DOLLARS)

(\$42,000.00); and)

FUNDS IN THE AMOUNT OF)

ONE HUNDRED THIRTY-EIGHT)

THOUSAND, FIVE HUNDRED AND)

FORTY DOLLARS)

(\$138,540),)

Defendants.)

Civil No. 07 C 7147

CERTIFICATE OF SERVICE

I, Kela Ellis, a non-attorney, certify that pursuant to Supp. R. For Adm. M. and Forf. Claims G(4), I sent a Notice of Judicial Forfeiture Proceeding, a copy of the Complaint In Rem, and a copy of the Warrant to be served upon:

Artur Vardapetyan and Sirarpi Davitian

via certified (12/26/07) and regular mail (1/11/08)

Grayr Demirtchyan

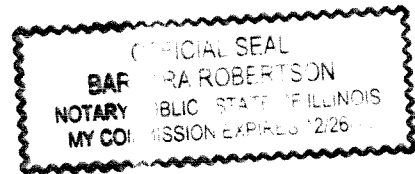
via certified mail (12/26/07)

by enclosing said property addressed envelope, postage paid, and depositing same in the United States mail at 219 S. Dearborn, Chicago, Illinois before the hour of 5:00 p.m. on the 26th day of December, 2007 and the 11th day of January, 2008.

Kela Ellis
KELA ELLIS

SUBSCRIBED and SWORN to before me
this 16th day of January 2008.

Barbara Robertson
NOTARY PUBLIC



[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 7007 0710 0002 1569 [REDACTED]

Status: **Delivered**Your item was delivered at 1:40 PM on December 29, 2007 in [REDACTED]
[REDACTED][Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

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[No FEAR Act EEO Data](#)[FOIA](#)

- SENDER: COMPLETE THIS SECTION ON THE FRONT
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Grayr Demirtchyan

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service it)

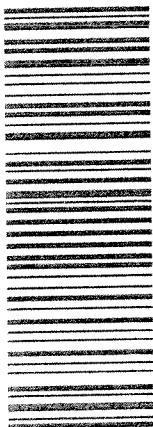
7007 0710 0002 1569

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com



7007 0710 0002 1569
7007 0710 0002 1569

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Grayr Demirtchyan

Sent to

Street Apt. 7
or PO Box N
City, State, Z

PS Form 3811

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Artur Vardapetyan

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 0710 0002 1569

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

Artur Vardapetyan

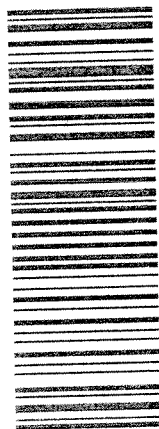
Sent To

Street, Apt. No.
or P.O. Box No.

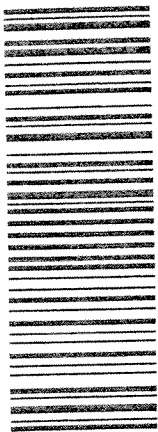
City, State, ZIP

PS Form 3800

7007 0710 0002 1569
7007 0710 0002 1569



CERTIFIED MAIL™

CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com
 7007 0710 0002 1569
 7007 0710 0002 1569

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To Sirarpi Davitian

 Street, Ap
 or PO Box
 City, State

PS Form

hons

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sirarpi Davitian

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes
 2. Article Number
 (Transfer from service label)

7007 0710 0002 1569

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	Civil No. 07 C 7147
Plaintiff,)	
)	
v.)	
)	
FUNDS IN THE AMOUNT OF)	
FORTY-TWO THOUSAND DOLLARS)	CERTIFICATE OF SERVICE
(\$42,000.00); and)	
)	
FUNDS IN THE AMOUNT OF)	
ONE HUNDRED THIRTY-EIGHT)	
THOUSAND, FIVE HUNDRED AND)	
FORTY DOLLARS)	
(\$138,540),)	
Defendants.)	

I, Kela Ellis, a non-attorney, certify that pursuant to Supp. R. For Adm. M. and Forf. Claims G(4), I sent a Notice of Judicial Forfeiture Proceeding, a copy of the Complaint In Rem, and a copy of the Warrant to be served upon:

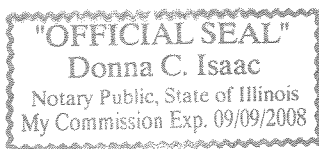
Karine Basmadjian, Esq.
Attorney for Levon Vardapetyan
520 East Wilson Avenue, Suite 220
Glendale, California 91206

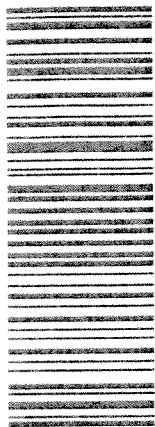
by enclosing said property addressed envelope, postage paid, and depositing same in the United States mail at 219 S. Dearborn, Chicago, Illinois before the hour of 5:00 p.m. on the 20th day of December, 2007.

Kela Ellis
KELA ELLIS

SUBSCRIBED and SWORN to before me
this 26 day of December 2007.

Donna C. Isaac
NOTARY PUBLIC





7007 0710 0000 5282 3772
7007 0710 0000 5282 3772

CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

Sent To

Street, Apt. N
or PO Box No.
City, State, Zi

Karine Basmadjian, Esq.
520 East Wilson Ave., Ste. 220
Glendale, CA 91206

PS Form 3800

See reverse for instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Karine Basmadjian, Esq.
520 East Wilson Ave., Ste. 220
Glendale, CA 91206

2. Article Number

(Transfer from service label)

7007 0710 0000 5282 3772

PS Form 3811, February 2004

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540



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Track & Confirm

Search Results

Label/Receipt Number: **7007 0710 0000 5282 3772**
Status: **Delivered**

Your item was delivered at 10:28 AM on December 29, 2007 in
GLENDALE, CA 91206.

[Track & Confirm](#)

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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EXHIBIT B

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

PHH

PLAINTIFF UNITED STATES OF AMERICA	RECEIVED U.S. MARSHAL	COURT CASE NUMBER 07 C 7147
DEFENDANT FORTY-TWO THOUSAND DOLLARS (\$42,000) & ONE HUNDRED THIRTY-THOUSAND, FIVE HUNDRED AND FORTY DOLLARS (\$138,540)	07 DEC 24 AM 10:51 N. DIST. OF ILL.	TYPE OF PROCESS PUBLICATION/ PRELIMINARY ORDER OF FORFEITURE

SERVE
AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
UNITED STATES MARSHALS SERVICE

ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)
219 SOUTH DEARBORN, ROOM 2444 CHICAGO, ILLINOIS 60604

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served
with this Form - 285Number of parties to be served
in this case

Check for service on U.S.A.

PATRICK J. FITZGERALD, UNITED STATES ATTORNEY
UNITED STATES ATTORNEY'S OFFICE
219 SOUTH DEARBORN, ROOM 500
CHICAGO, ILLINOIS 60604
ATTENTION: DAN MAY, AUSA

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

PLEASE PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION ONCE.
07-DEA-487551 AND 07-DEA-487553.

PREPARED BY: K. ELLIS

Signature of Attorney or other Originator requesting service on behalf of:

MARSHA A. MCCLELLAN AUSA

☒ PLAINTIFF
☐ DEFENDANT
TELEPHONE NUMBER
(312) 353-5300DATE
12/20/07

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	No. _____	No. _____	No. _____		

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).

FILED
1-18-08

Address (complete only if different than shown above).

JAN 18 2008

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service

Time

12/24/07

11:00 am

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Signature of U.S. Marshal or Deputy

Melody A. Walden

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or	Amount or Refund

REMARKS:

Published in the Chicago Tribune once on 12/24/07

PRIOR EDITIONS MAY
BE USED

SEND ORIGINAL + 2 COPIES to USMS.

FORM USM 285 (Rev. 12/15/80)

1. CLERK OF COURT 2. USMS Record 3. Notice of Service 4. Billing Statement 5. Acknowledgment of Receipt

ARREST WARRANT IN REM

07cv7147

JUDGE GETTLEMAN

MAG JUDGE KEYS

RECEIVED
U.S. MARSHAL07 DEC 21 AM 10:54
N. DIST. OF ILL.

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF ILLINOISEASTERN DIVISION*To the United States Marshals Service:*

Whereas, on the 20th of December, A.D. 2007, a Verified Complaint for Forfeiture was filed in the United States District Court for said Northern District of Illinois, by PATRICK J. FITZGERALD, United States Attorney for said District, on behalf of the United States, against

funds in the amounts of forty-two thousand dollars (\$42,000.00)

and praying that all persons interested in said property may be cited in general and special, to answer the premises; and due proceedings being had, that the said property may, for the causes in said complaint mentioned, be condemned as forfeited to use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED to attach the said property and to detain the same in your custody until further order of said Court respecting the same; and to give notice by publication in the CHICAGO TRIBUNE to all persons claiming the same, or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said complaint, that they be and appear before the said Court, at the city of Chicago within thirty (30) days after giving of notice, if the same shall be a day of jurisdiction thereafter, then and there to interpose a claim or right against the property for the same and to make their allegations in that behalf and that they file and serve their answers within twenty (20) days after the filing of said claim. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS THE HONORABLE		UNITED STATES DISTRICT JUDGE AT	
DATE	CLERK	MICHAEL W. DOBBINS	
12/20/07	(BY) DEPUTY CLERK	Jannette Dineen	
Returnable		days after issue.	
UNITED STATES MARSHALS SERVICE			
DISTRICT		DATE THE WITHIN WRIT WAS RECEIVED AND EXECUTED	
Northern Illinois		12/24/2007	
U.S. MARSHAL		(BY) DEPUTY MARSHAL	
Kim R. Waldron		Melody N. Waldron	

ARREST WARRANT IN REM

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION07cv7147
JUDGE GETTLEMAN
MAG JUDGE KEYS*To the United States Marshals Service:*

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one hundred thirty-eight thousand, five hundred and forty dollars (\$138,540)

and praying that all persons interested in said property may be cited in general and special, to answer the premises; and due proceedings being had, that the said property may, for the causes in said complaint mentioned, be condemned as forfeited to use of the United States.

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WITNESS THE HONORABLE

UNITED STATES DISTRICT JUDGE AT

DATE

CLERK

MICHAEL W. DOBBINS

(BY) DEPUTY CLERK

Jarrette Nunez

12/20/07

Returnable _____ days after issue.

UNITED STATES MARSHALS SERVICE

DISTRICT

DATE THE WITHIN WRIT WAS RECEIVED AND EXECUTED

Northern Illinois
U.S. MARSHAL

(BY) DEPUTY MARSHAL

Kim R. Widup

12/24/2007
Melody n. Walden



CERTIFICATE OF PUBLICATION

Chicago Tribune Company hereby certifies that it is the publisher of the Chicago Tribune; that the Chicago Tribune is an English language newspaper of general circulation, published daily in the City of Chicago, County of Cook and State of Illinois; that the Chicago Tribune has been so published continuously for more than one year prior to the date of first publication mentioned below and is further a newspaper as defined in Ill. Rev. Stat. Ch. 100, SS 5 & 10; that the undersigned is the duly authorized agent of the Chicago Tribune Company to execute this certificate on its behalf; and that a notice of which the annexed is a true copy was printed and published in said newspaper (1) times(s) and on the following dates:

Starting 12/24/07 and Ending 12/24/07

the first publication being on the earliest of said dates and the last publication being on the latest of said dates.

Executed at Chicago, Illinois this 24TH day of
December, 2007.

CHICAGO TRIBUNE COMPANY

By _____

A handwritten signature in cursive script, appearing to read "Amber Lee Hawks", written over a horizontal line.

**NOTICE OF FORFEITURE
ACTION**

On December 20, 2007 the United States Attorney for the Northern District of Illinois filed a Verified Complaint for Forfeiture against funds in the amounts of \$42,000.00 and \$138,540.00, pursuant to 21 U.S.C. § 881 and two Arrests Warrants in Rem were issued by the Clerk of the Court.

Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty and Maritime Claims for Forfeiture Actions, direct notice of this action was sent to Karine Basmajian, attorney for Levon Vardapetyan on December 20, 2007.

Any person who asserts an interest in the defendant property may contest the forfeiture by filing a claim in the United States District Court, Northern District of Illinois, at 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604 under case U.S. v. Funds In The Amount Of Forty-two Thousand Dollars (\$42,000.00) and One Hundred Thirty-Eight Thousand, Five Hundred and Forty Dollars (\$138,540) 07 C 7147 by January 24, 2007 in accordance with Rule G(5) of the Supplemental Rules for Admiralty and Maritime Claims for Forfeiture. Additionally, a claimant must serve and file an answer to the complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 20 days after filing the claim.

Claims and Answers are to be filed with the Clerk, United States District Court for the Northern District of Illinois, at 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604 with a copy thereof sent to Assistant United States Attorney Madeleine Murphy at 219 South Dearborn Street, Room 500, Chicago, Illinois 60604.

DATED: December 20, 2007